THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE

R. SUBHASH REDDY

Date: 21—11—2005

W.P. No. 8578 of 2005

Between:

Gopala Krishna Kalanidhi

…petitioner.

a n d

State of A.P. represented by its

Chief Secretary, Government of Andhra Pradesh,

A.P. Secretariat, Saifabad, Hyderabad and another

…Respondents.

O R D E R: (per Sri Bilal Nazki, ACJ)

This writ petition was filed in public interest with the following prayer:

> "Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders more particularly one in the

> nature of Writ of Mandamus directing the respondent herein to immediately constitute high profile medical terms comprising of general physicians and psychiatrists working in Government Hospital to attend to the pending complaints lodged by the farmers through the Help Line" and also to depute the said terms to the suicide risk prone villages of this State immediately and consequently to declare the action of the respondent in infringing the right of the farmers which is guaranteed under Article 21 of the Constitution of India (Right to Life) as amounting to highly arbitrary, illegal and un-constitutional-and pass such other order or orders as may be deem fit and proper in the circumstances o the case".

Certain interim orders were passed as this Court was also concerned about the high number of incidents of suicides. The Government in the meantime appointed a Commission on farmers' welfare as it was found that most of the farmers were committing suicides. The said Commission has given a report on 11.12.2004. A statement showing the recommendations made by the Commission on Farmers' Welfare and the action taken by the concerned department is filed which shows that most of the recommendations have been accepted by the Government. It is also satisfying to note that the Graph of suicidal deaths of farmers has shown a considerable decline from April 2005 and as on today there are hardly any suicidal deaths of farmers.

However, the grievance of the petitioner is that when there were suicidal deaths taking place, call centers were established and some infrastructure was created to reduce the chances of suicides, but those steps were taken only on paper and nothing was done by the Government. Neither the medical teams were sent to the concerned areas nor any reasons were tried to be found as to why large number of people were committing suicides.

The report of the Commission on Farmers Welfare in itself is a testimony that the Government was seriously considering

the welfare of the farmers, which included reduction of the suicidal deaths. During the course of hearing on earlier occasion, an implead petition was ordered impleading the 2nd respondent, as it was stated by the learned counsel for the petitioner that one of the television channels had reported an incident of suicide, live, in the district of Prakasam.

The 2nd respondent has filed certain documents along with his counter. He has also filed a letter of the Collector of Prakasam District, who has stated in her letter that the incident occurred on 25.6.2004 outside the office of the Collector. According to her, one Sri Nituri Malakondaiah was a driver by profession who committed suicide by consuming pesticide in the premises of Collector's office on 25.6.2004 as he had a dispute with the person who had a motorcar. So, it is submitted by the learned counsel for the 2nd respondent that it was not suicidal death on account of any agricultural labour.

Learned counsel for the 2nd respondent also submits that according to the guidelines issued by the Ministry of Information and Broadcasting, they are required to preserve the record of the content uplink for a maximum of 90 days. Since the incident has allegedly occurred on 25.6.2004, they do not have recording of any such incident. They did not even say whether recording of any such event was shown on television or not.

We are governed by rule of law and right of freedom of speech is available to everybody. There cannot be any pre-censorship and we cannot direct different media channels or print media what to publish and what not to publish. But, if somebody indulges in publishing anything which is contrary to law, he would be running the risk of facing the law. However, as responsible citizens, we expect that all the channels and print media would always keep it in their mind as to whether publication of a particular event would be beneficial for the society or it would be detrimental to the social interest. That is the only guarantee they will exercise while availing

the right of freedom of speech for the benefit of the people.

The Government has also taken appropriate steps and with the help of the nature also that we had sufficient rain this year, the number of deaths on account of suicides has come down considerably and according to the learned Government Pleader, no fresh suicidal deaths are reported from agricultural community.

With these observations, the writ petition is closed.

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Bilal Nazki, ACJ.

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R. Subhash Reddy, J.

Date: 21—11—2005.

MVB.